

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Hadden

Serial No.: 10/567,320

Group Art Unit: 1609

Confirmation No.: 6669

Filed: 8/18/2006

Examiner: WEN, Sharon X

For: VACCINE IMMUNOTHERAPY FOR IMMUNESUPPRESSED PATIENTS

Attorney Docket No.: 3115.00083

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated April 6, 2007. Applicant hereby petitions for a three-month extension of time within which to respond to the outstanding Office Action. Granting the petition would extend the time for filing the Response to August 6, 2007. The appropriate petition fee of \$510.00 is enclosed herewith.

Restriction to one of the following Groups was required under 35 USC §121:

- I. Claims 1-11, 14-17, and 21-29, drawn to a method of immunotherapy to treat cancer by administering an effective amount of natural cytokine mixture (NCM).
- II. Claims 12-13, drawn to a method of immunotherapy to treat cancer by administering an effective amount of CY and NSAID.

III. Claims 18-20, drawn to an anti-metastatic treatment method.

IV. Claims 30-32, drawn to a composition for eliciting an immune response to tumor antigen.

Applicant provisionally elects Group I, claims 1-11, 14-17, and 21-29 for prosecution purposes, with traverse. Applicant hereby conditionally withdraws claims 12-13, 18-20 and 30-32 from prosecution, without prejudice, and requests reconsideration of the restriction requirement.

Applicant traverses the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All four groups of claims relate to treatments and methods relating to cancer and immunotherapy. It is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicant has traversed the restriction requirement. However, as stated above, Applicant has elected the claims of Group I and provisionally withdrawn claims 12-13, 18-20 and 30-32, without prejudice, pending reconsideration of the restriction requirement. Applicant further elects the specific combination of cytokines of IL-1, IL-2, IL-6, IL-8, IL-12, IFN- δ , TNF- α , GM-CSF, and G-CSF.

The application is now in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



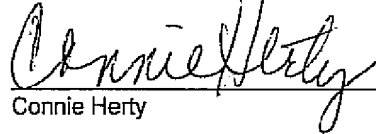
Kenneth I. Kohn, Reg. No. 30,955
Customer No: 48924

Dated: July 27, 2007

CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

Date of Electronic Filing: 7-27-07

I hereby certify that this correspondence is being electronically filed with the United States Patent & trademark Office on the above date.



Connie Herty